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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/845,230 | 05/01/2001 | Joanne Downey | DOWNEY 3.0-001 | 3852 |

7590 04/18/2002
EZRA SUTTON, P.A.
Plaza 9, 900 Route 9
Woodbridge, NJ 07095

EXAMINER.

WEINHOLD, INGRID M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3632

DATE MAILED: 04/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,238

Applicant(s)

BRUNE ET AL.

Examiner

Ingrid M Weinhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/1/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "82", "88" in Figures 2, 4, and 5; "50" in Figure 6.

✓ In Figure 3, on bracket "62" of the right hand side, the prong member "86" is still on the right hand side of the bracket yet tab member "90" is referenced on the prong member "80", and tab member "84" is reference on prong member "86".

✓ In Figure 4, reference numeral "72" is used to represent both the upper perimeter edge as well as the L-shaped tab member.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because:

- 1) Page 10, line 11, reference numeral "86" should be --90--.
- 2) Page 11, line 1, a space needs to be inserted after the numeral "37".

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Appropriate correction is required.

Claim Objections

Claims 19, 25-27 and 30 are objected to because:

- 1) Regarding claim 19, the term --or-- needs to be inserted after the term "plastics".
- 2) Regarding claims 25-27 and 30, the first term "Blind" needs to be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 10, 15-18, 31-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 9 the claim states that the outer first and inner first are parallel, yet there is only one first holding prong member. Regarding claim 10 the claim states that the outer second and inner second are parallel, yet there is only one second holding prong member. Regarding claims 15-17 there is no antecedent basis for "first holding arm member". Regarding claim 18, there is no antecedent basis for "holding arm members". Regarding claim 31, there is no antecedent basis for "holding wall member".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nien et al. (5,975,184). Nien et al. shows a first housing bracket (30) with a first holding wall member (front surface) having an upper first perimeter edge with an upper first

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retaining member (31), a lower first perimeter edge with a lower first retaining member ("31" also on bottom edge), a first side perimeter edge and a second side perimeter edge. The first holding wall member includes an integrally connected first curtain rod element ("32" and "321" combined") thereon. The upper and lower first retaining tab members of the first holding wall member is for engaging receiving channels (21) of a conventional blind bracket mounting device. There is a second housing bracket with the exact same features as the first bracket that is mounted on the other side of the blind assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-10, 19-20, 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nien et al. in view of Bellinger (4,305,562). Nien et al. shows all of the claimed features of the applicant's invention, including a first and a second bracket housing with curtain rod holding elements, but does not show the specific claimed features of the curtain rod holding elements, or the material, weight support or dimensions of the bracket. Bellinger et al. shows an outer first holding prong member (51) integrally attached to the first side perimeter edge, which includes a first sidewall having an upper first prong tab member. An inner second holding prong member (50) is

integrally attached to the second side perimeter edge and includes a second sidewall having an upper second prong tab member. Each holding wall member includes two or more holding prong members. The prong members are centrally located on the side perimeter edges and are parallel with each other. The same curtain rod holding element would be used on the other side of the blind assembly by Nien, defining the third and fourth holding prong members and prong tab members. The combination of Nien and Bellinger allow for the upper second and fourth prong tab members on inner second and fourth holding prong members to be used to receive an inner first flat curtain rod thereon and the upper first and third prong members of the outer first and third holding prong members to be used to receive an outer second flat curtain rod. Therefore it would have been obvious to one of ordinary skill in the art to replace the curtain rod holding elements ("32" and "321" combined) integrally attached to the holding wall member by Nien et al. on each of the two bracket housings with another well-known curtain rod holding element taught by Bellinger in order to be able to attach a decorative device such as a curtain on a flat curtain rod onto the bracket housing securely and be able to accommodate for multiple curtain rods. Regarding the limitations of the material to be used for making the brackets, the amount of weight it can support, and the dimensions of the holding wall members and prong members. These limitations are the design choice of the applicant. The applicant did not disclose any critical reasoning as to why these limitations are requirements and as blind assemblies are well-known and usually made from plastics or light-weight metals, these limitations are based on the type of

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curtain rods and curtains to be mounted, and the dimensions of the window that the blind assembly is mounted to.

Claims 11-18, 31-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nien et al. in view of Chang (6,216,889 B1). Nien et al. shows all of the claimed features of the applicant's invention but does not show the specific claimed features of the curtain rod holding elements, or the material, weight support or dimensions of the bracket. Chang shows a first curtain rod holding element including a first holding arm member (20) having a set of one or more of semi-circular rod holding sections (24) for holding in place one end of a cylindrical curtain rod. The first holding arm member is centrally located on the first holding wall member (21). The second curtain rod holding element is exactly the same as the first, is in parallel with the first, and is used in conjunction with the first to keep one or more curtain rods parallel to each other. The holding arm members are at a 90 degrees angle with respect to the first and second holding wall members. Chang also shows the holding arm members including two or more rod holding sections for holding two or more cylindrical curtain rods thereon. Therefore it would have been obvious to one of ordinary skill in the art to replace the curtain rod holding elements ("32" and "321" combined) integrally attached to the holding wall member by Nien et al. on each of the two bracket housings with another well-known curtain rod holding element taught by Chang in order to be able to attach a decorative device such as a curtain on a cylindrical curtain rod onto the bracket housing securely and be able to accommodate for multiple curtain rods. Regarding the

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limitations of the material to be used for making the brackets, the amount of weight it can support, and the dimensions of the holding wall members, prong members, and rod holding sections. These limitations are the design choice of the applicant. The applicant did not disclose any critical reasoning as to why these limitations are requirements and as blind assemblies are well-known and usually made from plastics or light-weight metals, these limitations are based on the type of curtain rods and curtains to be mounted, and the dimensions of the window that the blind assembly is mounted to.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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|---------------|-------------|-----------|
| Mahan | U.S. Patent | 5,082,226 |
| Williams, Jr. | U.S. Patent | 5,577,700 |
| Robbins | U.S. Patent | 2,955,794 |
| Morehouse | U.S. Patent | 4,961,296 |
| Garza et al. | U.S. Patent | 5,641,143 |
| Butler | U.S. Patent | 3,218,017 |
| Sheehan | U.S. Patent | 4,283,034 |

The above patents all disclose various curtain rod brackets that have a prong member on either side of the bracket used to hold one or more flat curtain rods.

| | | |
|--------------|-------------|--------------|
| Powell | U.S. Patent | Des. 290,931 |
| Ivankovic | U.S. Patent | D455,334 S |
| Kuthy et al. | U.S. Patent | 5,979,848 |
| Cormier | U.S. Patent | 3,704,851 |
| Miller | U.S. Patent | 1,203,765 |

The above patents disclose various curtain rod brackets used to hold one or more cylindrical curtain rods.

| | | |
|--------------|-------------|-----------|
| Simon et al. | U.S. Patent | 5,188,162 |
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The above patent discloses a blind mounting bracket with channels used to mount a valance.

| | | |
|-----------|-------------|-----------|
| Ohanesian | U.S. Patent | 5,392,833 |
| Ohanesian | U.S. Patent | 5,439,042 |

The above patents disclose blinds with curtain attachments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Weinhold whose telephone number is (703)-306-5762.

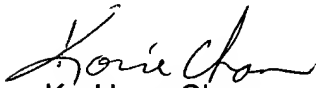
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3519 for informal documents and (703) 305-3597 for formal regular communication and After Final Communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



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